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DOCKET NO. D-1985-025-3

DELAWARE RIVER BASIN COMMISSION

Discharge to a Tributary of Special Protection Waters

**Big Boulder Corporation
Wastewater Treatment Plant
Kidder Township, Carbon County, Pennsylvania**

PROCEEDINGS

This docket is issued in response to an Application submitted to the Delaware River Basin Commission (DRBC or Commission) by R.K.R. Hess Associates on behalf of the Big Boulder Corporation (BBC) on December 28, 2012 (Application), for renewal of an existing wastewater treatment plant (WWTP) discharge. National Pollutant Discharge Elimination System (NPDES) Permit No. PA0061182 for this project was issued by the Pennsylvania Department of Environmental Protection (PADEP) on January 17, 2013, effective February 1, 2013.

The Application was reviewed for approval under Section 3.8 of the *Delaware River Basin Compact*. The Carbon County Planning Commission has been notified of pending action. A public hearing on this project was held by the DRBC on May 7, 2013.

A. DESCRIPTION

1. Purpose. The purpose of this docket is to renew approval of the existing 0.225 million gallons per day (mgd) Big Boulder WWTP and its related discharge. This docket also continues the Commission's approval from Docket No. D-1985-025-2, which was approved on July 13, 2011, to expand the facility to 0.265 mgd and utilize absorption beds to land dispose of the first 0.04 mgd of treated effluent (See DECISION Conditions II.i., II.j., II.k., and II.l.).

2. Location. The modified WWTP will discharge the first 0.04 mgd of treated wastewater to absorption beds that are to be constructed on-site and will continue to discharge the remaining 0.225 mgd directly to an unnamed tributary of Tunkhannock Creek at River Mile 183.66 – 83.5 – 5.6 – 2.5 – 0.64 (Delaware River – Lehigh River – Tobyhanna Creek – Tunkhannock Creek – Unnamed Tributary). The existing WWTP is located in the drainage area to the Lower Delaware Special Protection Waters (SPW) area, in Kidder Township, Carbon County, Pennsylvania as follows:

OUTFALL NO.	LATITUDE (N)	LONGITUDE (W)
001	41° 03' 08"	75° 34' 50"

3. **Area Served.** The WWTP will continue to serve 795 units (300 hotel rooms, 126 houses in the Blue Heron development, and 369 houses in the Midlake on Big Boulder Lake development), a commercial center, and the Big Boulder Ski Area. For the purpose of defining the Area Served, Section B (Type of Discharge) and D (Service Area) of the docket holder's Application are incorporated herein by reference, to the extent consistent with all other conditions contained in the DECISION Section of this docket.

4. **Physical Features.**

a. **Design Criteria.** The existing 0.225 mgd WWTP was approved by the DRBC on May 1, 1985 via Docket No. D-85-25. The proposed modifications and expansion to 0.265 mgd will continue a stream discharge of 0.225 mgd, while discharging the first 0.04 mgd of treated wastewater to on-site absorption beds that provide for land treatment.

b. **Facilities.** The existing WWTP consists of a bar screen, a comminutor, two (2) equalization basins, four (4) extended aeration basins, a clarifier, a flocculation tank, a tray settler, a sand filter, a sludge holding tank, an effluent equalization tank, a chlorinator, and a chlorine contact tank.

The modified WWTP will consist of a bar screen, a comminutor, 2 equalization basins, 4 extended aeration basins, a clarifier, two (2) flocculation tanks, two (2) tray settlers, a sand filter, a sludge holding tank, three (3) effluent equalization tanks, an ultraviolet (UV) disinfection unit, and three (3) on-site absorption beds.

The docket holder's wastewater treatment facility discharges to waters classified as SPW and is required to have available emergency power. The existing WWTP has a generator installed capable of providing emergency power. (SPW)

The docket holder's wastewater treatment facility is not staffed 24 hours per day, and shall have a remote alarm system that continuously monitors plant operations. The docket holder is required as part of the expansion/continued discharge to install remote alarm systems within six (6) months of docket approval (See DECISION Condition II.t.). (SPW)

The docket holder's existing wastewater treatment facility has prepared and implemented an emergency management plan (EMP) in accordance with Commission requirements. (SPW)

The project facilities aren't located in the 100-year floodplain.

Wasted sludge will continue to be hauled off-site by a licensed hauler for disposal at a (State-approved) facility.

c. **Water withdrawals.** The bulk of the water supply in the project service area is supplied by the docket holder via a surface water withdrawal as described in Docket No. D-93-53-2, which was approved by the Commission on May 18, 2005. The remainder is supplied by individual on-lot wells.

d. **NPDES Permit / DRBC Docket.** NPDES Permit No. PA0061182 was issued by the PADEP on January 17, 2013 (effective February 1, 2013) and includes final effluent limitations for the project discharge of 0.225 mgd to surface waters classified by the PADEP as High Quality – Cold Water Fishery (HQ-CWF) and the project discharge of 0.04 mgd to the existing on-site absorption beds. The following average monthly effluent limits are among those listed in the NPDES Permit and meet or are more stringent than the effluent requirements of the DRBC.

EFFLUENT TABLE A-1: DRBC Parameters Included in NPDES Permit

OUTFALL 001; Adsorption Beds Nos. 1, 2, and 3 (WWTP)		
PARAMETER	LIMIT	MONITORING
pH (Standard Units)	6 to 9 at all times	As required by NPDES Permit
Total Suspended Solids	30 mg/l	As required by NPDES Permit
Dissolved Oxygen	6.0 mg/l (minimum at all times)	As required by NPDES Permit
CBOD (5-Day at 20° C)	25 mg/l (85% minimum removal*)	As required by NPDES Permit
Ammonia Nitrogen (5-1 to 10-31) (11-1 to 4-30)	3.0 mg/l 9.0 mg/l	As required by NPDES Permit
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)	200 colonies per 100 ml as a geo. avg. 2000 colonies per 100 ml as a geo. avg.	As required by NPDES Permit
Phosphorus	0.5 mg/l	As required by NPDES Permit
Total Dissolved Solids*	1,000 mg/l **	As required by NPDES Permit
Total Nitrogen *	Monitor & Report*	As required by NPDES Permit
Nitrate as N *	Monitor & Report*	As required by NPDES Permit

* DRBC Requirement

** See DECISION Condition II.x.

e. **Cost.** There are no construction costs associated with this renewal.

B. FINDINGS

The purpose of this docket is to renew approval of the existing 0.225 mgd Big Boulder WWTP and its related discharge. This docket also continues the Commission's approval from Docket No. D-1985-025-2, which was approved on July 13, 2011, to expand the facility to 0.265 mgd and utilize absorption beds to land dispose of the first 0.04 mgd of treated effluent.

On July 16, 2008, the DRBC approved amendments to its *Water Quality Regulations (WQR)* that provide increased protection for waters that the Commission classifies as Special Protection Waters. The portion of the Delaware River and its tributaries within the boundary of

the Lower Delaware River Management Plan Area was approved for Special Protection Waters designation. (Lower SPW)

Article 3.10.3A.2.e.1). and 2). of the Commission's *WQR* states that projects subject to review under Section 3.8 of the Compact that are located in the drainage area of SPW must submit for approval a Non-Point Source Pollution Control Plan (NPSPCP) that controls the new or increased non-point source loads generated within the portion of the docket holder's service area which is also located within the drainage area of SPW. The service area of the docket holder is located within in the drainage area to the SPW. Since this project does entail additional construction and expansion of facilities (i.e., there are new or increased non-point source loads associated with this approval), the NPSPCP requirement is applicable at this time. Accordingly, DECISION Conditions II.r. and II.s. have been included in this docket.

Near the project site, the Tunkhannock has an estimated seven-day low flow with a recurrence interval of ten years of 3.41 mgd (5.28 cfs). The ratio of this low flow to the hydraulic stream discharge design of the 0.225 mgd WWTP is 15 to 1

The nearest surface water intake of record for public water supply downstream of the project discharge is operated by the Hazelton City Authority on the Lehigh River 30 miles away.

The project does not conflict with the Comprehensive Plan and is designed to prevent substantial adverse impact on the water resources related environment, while sustaining the current and future water uses and development of the water resources of the Basin.

The limits in the NPDES Permit are in compliance with Commission effluent quality requirements, where applicable.

The project is designed to produce a discharge meeting the effluent requirements as set forth in the Commission's *WQR*.

C. DECISION

I. Effective on the approval date for Docket No. D-1985-025-3 below, Docket No. D-1985-025-2 is terminated and replaced by Docket No. D-1985-025-3.

II. The project and appurtenant facilities as described in Section A "Physical Features" of this docket are approved pursuant to Section 3.8 of the *Compact*, subject to the following conditions:

a. Docket approval is subject to all conditions, requirements, and limitations imposed by the PADEP in its NPDES Permit, and such conditions, requirements, and limitations are incorporated herein, unless they are less stringent than the Commission's.

b. The facility and operational records shall be available at all times for inspection by the DRBC.

c. The facility shall be operated at all times to comply with the requirements of the Commission's *WQR*.

d. The docket holder shall comply with the requirements contained in the Effluent Table in Section A.4.d. of this docket. The docket holder shall submit the required monitoring results directly to the DRBC Project Review Section. The monitoring results shall be submitted annually, absent any observed limit violations, by January 31. If a DRBC effluent limit is violated, the docket holder shall submit the result(s) to the DRBC within 30 days of the violation(s) and provide a written explanation that states the action(s) the docket holder has taken to correct the violation(s) and protect against any future violations.

e. Except as otherwise authorized by this docket, if the docket holder seeks relief from any limitation based upon a DRBC water quality standard or minimum treatment requirement, the docket holder shall apply for approval from the Executive Director or for a docket revision in accordance with Section 3.8 of the *Compact* and the *Rules of Practice and Procedure*.

f. If at any time the receiving treatment plant proves unable to produce an effluent that is consistent with the requirements of this docket approval, no further connections shall be permitted until the deficiency is remedied.

g. Nothing herein shall be construed to exempt the docket holder from obtaining all necessary permits and/or approvals from other State, Federal or local government agencies having jurisdiction over this project.

h. The discharge of wastewater shall not increase the ambient temperatures of the receiving waters by more than 5°F until stream temperatures reach 50°F, nor by more than 2°F when stream temperatures are between 50°F and 58°F, nor shall such discharge result in stream temperatures exceeding 58°F.

i. Sound practices of excavation, backfill and reseedling shall be followed to minimize erosion and deposition of sediment in streams.

j. Within 10 days of the date that construction of the project has started, the docket holder shall notify the DRBC of the starting date and scheduled completion date.

k. Within 30 days of completion of construction of the approved project, the docket holder is to submit to the attention of the Project Review Section of DRBC a Construction Completion Statement ("Statement") signed by the docket holder's professional engineer for the project. The Statement must (a) either confirm that construction has been completed in a manner consistent with any and all DRBC-approved plans or explain how the as-built project deviates from such plans; (b) report the project's final construction cost as such cost is defined by the project review fee schedule in effect at the time application was made; and (c) indicate the date on which the project was (or is to be) placed in operation. In the event that the final project cost exceeds the estimated cost used by the applicant to calculate the DRBC project review fee, the statement must also include (d) the amount of any outstanding balance owed for DRBC review. Such outstanding balance will equal the difference between the fee paid to the

Commission and the fee calculated on the basis of the project's final cost, using the formula and definition of "project cost" set forth in the DRBC's project review fee schedule in effect at the time application was made.

l. The WWTP modifications shall be completed by July 13, 2014 or the docket holder shall demonstrate to the Executive Director that it has expended substantial funds (in relation to the cost of the project) in reliance upon this docket approval. If the modifications have not been completed by July 13, 2014 and the docket holder does not submit a cost analysis demonstrating substantial funds have been expended, Commission approval of the modifications to the existing WWTP shall expire. If the Commission's approval of the expansion expires under this condition, the docket holder shall file a new application with the Commission and receive Commission approval prior to initiating construction of any modifications.

m. The docket holder is permitted to treat and discharge wastewaters as set forth in the Area Served Section of this docket, which incorporates by reference Sections B (Type of Discharge) and D (Service Area) of the docket holder's Application to the extent consistent with all other conditions of this DECISION Section.

n. The docket holder shall make wastewater discharge in such a manner as to avoid injury or damage to fish or wildlife and shall avoid any injury to public or private property.

o. No sewer service connections shall be made to newly constructed premises with plumbing fixtures and fittings that do not comply with water conservation performance standards contained in Resolution No. 88-2 (Revision 2).

p. Nothing in this docket approval shall be construed as limiting the authority of DRBC to adopt and apply charges or other fees to this discharge or project.

q. The issuance of this docket approval shall not create any private or proprietary rights in the waters of the Basin, and the Commission reserves the right to amend, suspend or rescind the docket for cause, in order to ensure proper control, use and management of the water resources of the Basin.

r. Prior to allowing connections from any new service areas or any new developments, the docket holder shall either submit and have approved by the Executive Director of the DRBC a NPSPCP in accordance with Section 3.10.3.A.2.e, or receive written confirmation from the Executive Director of the DRBC that the new service area is in compliance with a DRBC approved NPSPCP.

s. The docket holder's Non-Point Source Pollution Control Plan meets the general requirements of Section 3.10.3.A.2.e.1) of the Commission's *WQR*.

t. The docket holder shall install remote alarm controls within 6 months of docket approval (by November 8, 2013) or upon completion of the expanded WWTP, whichever occurs first.

u. Unless an extension is requested and approved by the Commission in advance, in accordance with paragraph 11 of the Commission's Project Review Fee schedule (Resolution No. 2009-2), the docket holder is responsible for timely submittal of a docket renewal application on the appropriate DRBC application form at least 12 months in advance of the docket expiration date set forth below. The docket holder will be subject to late charges in the event of untimely submittal of its renewal application, whether or not DRBC issues a reminder notice in advance of the deadline or the docket holder receives such notice. In the event that a timely and complete application for renewal has been submitted and the DRBC is unable, through no fault of the docket holder, to reissue the docket before the expiration date below (or the later date established by an extension that has been timely requested and approved), the terms and conditions of the current docket will remain fully effective and enforceable against the docket holder pending the grant or denial of the application for docket approval.

v. The Executive Director may modify or suspend this approval or any condition thereof, or require mitigating measures pending additional review, if in the Executive Director's judgment such modification or suspension is required to protect the water resources of the Basin.

w. Any person who objects to a docket decision by the Commission may request a hearing in accordance with Article 6 of the Rules of Practice and Procedure. In accordance with Section 15.1(p) of the Delaware River Basin Compact, cases and controversies arising under the Compact are reviewable in the United States district courts.

x. The docket holder may request of the Executive Director in writing the substitution of specific conductance for TDS. The request should include information that supports the effluent specific correlation between TDS and specific conductance. Upon review, the Executive Director may modify the docket to allow the substitution of specific conductance for TDS monitoring.

y. The docket holder is prohibited from treating/pre-treating any hydraulic fracturing wastewater from sources in or out of the Basin at this time. Should the docket holder wish to treat/pre-treat hydraulic fracturing wastewater in the future, the docket holder will need to first apply to the Commission to renew this docket and be issued a revised docket allowing such treatment and an expanded service area. Failure to obtain this approval prior to treatment/pre-treatment will result in action by the Commission.

BY THE COMMISSION

DATE APPROVED:

EXPIRATION DATE: January 31, 2018